In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R. No.1587 of 2007 (O&M)
Decided on April 16,2007.

Mahender and another --- Petitioners

vs

Balbir and others --- Respondents

Present: Mr. Vinod Sharma,Advocate,for the petitioners

Pritam Pal,J: (Oral)

This Revision Petition by some of the defendants, filed under Article 227 of the Constitution of India, is directed against order dated February 03,2007, whereby appeal filed by the defendants (hereinafter referred to as 'the petitioners) against order dated February 28, 2006 passed by learned Addl.Civil Judge (Senior Division) Bhiwani, granting ad-interim injunction order in favour of Balbir respondent/plaintiff (hereinafter referred to as 'the respondents),was dismissed.

The only noticeable point of argument raised by learned counsel for the petitioners is that while demarcating the suit land as per report dated July 23,2005, the petitioners were not present and that later on the report given by the *Kanungo* has also not been considered by the first Appellate Court. In this regard, it is suffice it to say that

earlier report dated July 23,2005, was given by Sh. Om Parkash, Tehsildar (Retired), who in his report, had stated that demarcation was done in the presence of the parties/co-sharers. Later report dated March 10,2006, regarding demarcation of the suit land is shown to have been given by one Rajbir Singh, *Office Kanungo* . None of the aforesaid two Local Commissioners was competent to hold any party to be in possession and create evidence to prove possession in favour of any party. Moreover, there is nothing on the file which could show the possession of the petitioners on any portion of the area of disputed khasra numbers. The case before the trial Court is at a initial stage.

In the given facts and circumstances discussed above, and also after going through the impugned orders, this Court does not find any illegality or impropriety in the impugned orders passed by the Courts below.

Hence, this Civil Revision stands dismissed in *limine*.

April 16,2007 (Pritam Pal)
RR Judge